

**TOWN OF ELSMERE
COUNCIL MEETING MINUTES
November 10, 2011
COUNCIL CHAMBERS
6:30 p.m.**

CALL TO ORDER: Councilman John Jaremchuk, Jr. called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

MAYOR	DEBORAH A. NORKAVAGE	ABSENT/EXCUSED
1 ST DISTRICT	JOHN JAREMCHUK, JR.	PRESENT
2 ND DISTRICT	STEVEN BURG	PRESENT
3 RD DISTRICT	ROBERT KACPERSKI	PRESENT
4 TH DISTRICT	CHARLES MCKEWEN	PRESENT
5 TH DISTRICT	JOANN I. PERSONTI	PRESENT
6 TH DISTRICT	EDWARD OLGA	ABSENT

Town Solicitor, Edward McNally – Present
Town Manager, John Giles – Present
Chief of Police, Laura Giles – Present

At this time President Pro-Tempor Councilman John Jaremchuk chaired the meeting in the absence of Mayor Norkavage.

PUBLIC COMMENT:

At this time a letter was read into record submitted by Board of Adjustment Member James Personti. This letter expressed his opinion of either replacing Chairman Chalfant or changing the day of the meeting temporarily to accommodate Chairman Chalfant's schedule.

APPROVAL OF MINUTES:

ACTION: A motion was made by Councilwoman Personti to approve the minutes of the September 8, 2011 Council meeting with a condition that the tapes be reviewed show more of the debate which occurred regarding Ordinance 542. The motion was seconded by Councilman McKewen.

VOTE: 5-0 with 2 absent All-in-Favor Motion carried

At this time 6:35pm Councilman Olga has arrived.

Town Manager John Giles stated that Councilwoman Personti has communicated her concerns with the minutes to the staff and the changes have been made and the corrected minutes are ready for her signature at the conclusion of the meeting.

ACTION: A motion was made by Councilman Jaremchuk to approve the minutes of the October 13, 2011 Council meeting with no corrections. The motion was seconded by Councilman Burg.

VOTE: 6-0 with 1 absent All-in-Favor Motion carried

OLD BUSINESS:

At this time Town Manager John Giles introduced the new Public Works employee John McClafferty.

NEW BUSINESS:

Consideration for first and second reading of Ordinance 543.

ACTION: A motion was made by Councilman Burg to consider Ordinance 543 for first and second reading. The motion was seconded by Councilman McKewen.

VOTE: 6-0 with 1 absent All-in-Favor Motion carried

Consideration of the 2012 Holiday Schedule.

Councilman Burg asked if the Town Hall would be closed for the Primary Election Dates in 2012.

Town Manager John Giles stated that he did consider these dates when doing the scheduled however he felt that the employees would rather be closed on major holidays versus closing for a Primary Election. He stated that there will definitely be a problem should the primary elections be heavily attended and that he would reconsider those dates as they got closer.

ACTION: A motion was made by Councilwoman Personti to accept the 2012 Town Holiday Schedule. The motion was seconded by Councilman Burg.

VOTE: 6-0 with 1 absent All-in-Favor Motion carried

Consideration of bids received for the 2011 Street Program

Town Manager John Giles stated that he has spoken with the Town Engineers and they have pulled the 2011 Street Program Bid. As the bid deadline approached, we had only had one bid package picked up. They will reopen the bid process again in the spring of 2012.

Discussion concerning the property at 603 New Road

Town Manager John Giles stated that he received a letter from the property owner at 603 New Road regarding the lands at Village Park. After having a property survey completed for a different project it was determined that a portion of the brick paving sidewalk and

the Verizon Utility box are actually on a portion of Mr. Santucci's property. He has stated that for \$3,700.00 he would be more than happy to grant the Town a right-of-way to that piece of land. He stated that he can have the sidewalk pulled back and the property owner can contact Verizon to have their equipment removed.

ACTION: A motion was made by Councilman Jaremchuk to remove any items within the questionable area and have the Town Solicitor contact Mr. Santucci's Attorney. The motion was seconded by Councilman Burg.

VOTE: 6-0 with 1 absent All-in-Favor Motion carried

DEPARTMENTAL REPORTS:

Code Enforcement

Town Manager John Giles presented the written report. He stated that the department does have plans to extend the community sweeps throughout additional areas of the Town.

Finance

Town Manager John Giles presented the written report. He stated that the Audit report will be presented at the next meeting.

Councilman Jaremchuk asked if it was possible to get the finance figures earlier than the night of the meeting.

Town Manager John Giles stated that it was not possible because the accounts are unable to be reconciled until the statements come in and they typically come in during the week of the meetings.

Councilman Burg asked about the total income for the Red Light Camera being \$118.00

Councilman Jaremchuk asked what we can do to determine what amount the State is getting from this camera.

ACTION: A motion was made by Councilman Jaremchuk to obtain the number of violations are occurring at the Red Light Camera, the number that are forwarded to the Town and the percentage of what the State of Delaware is keeping via FOIA or any other method. The motion was seconded by Councilwoman Personti.

VOTE: 6-0 with 1 absent All-in-Favor Motion carried

Public Works

The written report was presented

Town Manager

Town Manager John Giles presented the written report. He stated that the Town will be trying an experimental parking regulation on Elsmere Blvd, Lines will be painted on the

street and cars will be expected to park between the lines. He announced that the Parade will be held on Sunday, December 11, 2011 at 2:00pm.

Councilwoman Personti asked what the correct dates of the events are.

Town Manager John Giles stated that the Fire Department has changed the parade from Saturday to Sunday due to business opposition. The tree lighting will be Friday, December 9, 2011 this year and will switch back to Saturday next year so that it remains the night before the parade. He stated that the Town has received a letter from a company who would like the Town to sign over all future Cell Tower rights to this company and they will handle all future Cell Tower applications. He stated that this is probably something that the Town is not interested in because it would give this company the ability to approve a Tower anywhere and take that ability away from the Council, Planning Commission and Board of Adjustment. He stated that the Police Chiefs legislation will be re-introduced in January which will take the ability to fire a police chief away from the municipal governments and put that duty onto a 3 person committee appointed by the League of Local Governments.

Public Safety

Chief Laura Giles stated that the seasonal officers have finished for the year; Officer Mitchell stopped a vehicle and seized 80 oxycodone pills.

Councilwoman Personti stated that she has noticed an increase of youth hanging out at the creek area on Jefferson Avenue and blocking traffic and causing a dangerous situation. She stated that if it occurs again in the future she will contact 911 to have an officer dispatched and will encourage her residents to do so as well if they witness it in other areas.

ITEMS SUBMITTED BY THE MAYOR AND COUNCIL:

Discussion regarding the Board of Adjustment

Councilwoman Personti stated that she received an email from the Mayor to defer discussion of this until the next council meeting. She also requested that the letter read into the record be forwarded to all members of the Council via email.

PUBLIC COMMENT:

Tim Clark of 246 Birch Ave asked if there were any updates regarding the attempted kidnapping.

Chief Laura Giles stated that all she could release was that there was absolutely no reason for concern.

Mr. Clark asked what the Town could do regarding the possible homeless resident with the shopping cart and asked if there was anything the Town could do.

Chief Giles stated that the gentleman is not homeless and he does apparently have a home, therefore they cannot do much.

EXECUTIVE SESSION:

ACTION: A motion was made by Councilman Burg to enter into an Executive Session for the purpose of discussion legal matters and to return to the public. The motion was seconded by Councilwoman Personti.

VOTE: 6-0 with 1 absent All-in-Favor Motion carried

At this time the meeting was called back to order.

ACTION: A motion was made by Councilman Burg whereas the Insurer of the Town of Elsmere has requested that the Town of Elsmere and its Town Council consent to a settlement of all pending litigations brought by Liam Sullivan, whereas the Town of Elsmere and its Mayor and Council recognize that while they do not agree that there is any bias for the claim of the litigation that the interest of the Town of Elsmere is best served by ending this distraction caused by the litigation and the expenditure of time and expense required to address this litigation. Be as it resolved this 10th day of November, 2011 that the Town Solicitor is authorized to execute the appropriate documentation to settle the litigation and release the Town of Elsmere of all its official and imposed from any and all claims involved in the litigation provided that no funds from the Town of Elsmere shall be used to pay Liam Sullivan or otherwise used in the settlement of this litigation. The motion was seconded by Councilman McKewen.

VOTE: 6-0 with 1 absent All-in-Favor Motion carried

PUBLIC COMMENT:

ADJOURNMENT:

ACTION: A motion was made by Councilman Burg to Adjourn. The motion was seconded by Councilman McKewen.

VOTE: 6-0 with 1 absent All-in-Favor Motion carried

These minutes summarize agenda and other issues discussed at this Council Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tapes may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

DEBORAH A. NORKAVAGE
MAYOR

JOANN I. PERSONTI
SECRETARY